

REMARKS

Claims 60-88 are currently pending. Claim 70 has been canceled without prejudice. Claims 60-62, 65, 66, and 71-77 have been amended, and new claims 78-89 added, to more particularly point out and distinctly claim that which Applicant regards as the invention. The claims are completely supported in the specification as filed and no new matter has been introduced.

Claims 60 and 61 have been amended to replace the abbreviation "hsp" with the phrase --heat shock protein-- to provide consistency throughout the claims. Claims 62, 65, 66, 76, and 77 have been amended to replace the phrase "polypeptides, denatured proteins, and antigens" with "proteins," and claim 76 has been amended to delete the phrase "associated therewith" to provide improved clarity. Claims 71-75 have been amended to delete the term "synthetic" and, in claim 71, to replace it with the phrase --made in vitro--to clarify the meaning of this term, as it is used within the context of the present invention. Claims 62, 65, and 71-77 have been amended to recite: heat shock protein 70 in order to more particularly point out and distinctly claim the subject matter of Applicant's invention. New claims 78-81 recite antigenic molecules that are peptides; support for these new claims is found throughout the specification, and, in particular, on page 14, lines 27-32. Support for heat shock protein 70-protein complexes recited in new claims 82-89 is found on page 36, lines 25 to 27.

The Claims Are Enabled Under 35 U.S.C. § 112, First Paragraph

Claims 62-67 and 76-77 have been rejected for alleged lack of enablement under 35 U.S.C. § 112, first paragraph. In particular, the Examiner contends that the

specification, “while being enabling for peptides and proteins, does not reasonably provide enablement for all antigens.” Office Action, page 2.

In response, Applicant respectfully submits that the rejection of claims 62-67 and 76-77 under 35 U.S.C. § 112, first paragraph, has been obviated by the amendments that have been made to claims 62, 65, 66, 76 and 77, in which the phrase “polypeptides, denatured proteins, and antigens” has been replaced with “proteins.” Accordingly, Applicant respectfully requests that the rejection of claims 62-67 and 76-77 under 35 U.S.C. § 112, first paragraph, be withdrawn.

**The Claims Are Definite Under
35 U.S.C. § 112, Second Paragraph**

Claims 62-77 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite.

In particular, claims 62-77 have been rejected because the Examiner contends that “it is not clear what the differences between peptide, polypeptide, denatured protein, and antigen are.” Office Action, page 4. In response, Applicant respectfully submits that this rejection has been obviated in light of the amendments to claims 62, 65, 66, 76 and 77, above, in which the phrase “polypeptides, denatured proteins, and antigens,” has been replaced with “proteins.” Accordingly, Applicant respectfully requests that the rejection of claims 62-77 under 35 U.S.C. § 112, second paragraph be withdrawn.

With respect to Claims 72-73, the Examiner asserts “it is not clear what a synthetic hsp-peptide complex is that comprises hsp and a peptide from an individual.”

This rejection is apparently based on the Examiner’s belief that “synthetic” defines how the components of the complex were made, as opposed to how the complex itself

was made. Applicant respectfully submits that such belief is erroneous in that one of ordinary skill in the art would readily understand that claim 71, and its dependent claims 72 and 73, refer to a complex that is synthesized *in vitro*, and is, therefore, a synthetic complex. The separate components of such a synthetic complex can be obtained from an individual, as disclosed in Sections 5.2.4, 5.2.5, and 5.2.6 of the specification, and formed into a complex, *in vitro*. Nevertheless, claims 71-75 have been amended to obviate this issue by deleting the term "synthetic," and claim 71 has been further revised to include the phrase --made *in vitro*-- to clarify the meaning of "synthetic" heat shock protein peptide complexes, as described above. Thus, Applicant respectfully requests, in light of this explanation and the amendment of claims 71-75, that the rejection of claims 72 and 73 under 35 U.S.C. § 112, second paragraph, be withdrawn.

CONCLUSION

Applicant respectfully requests that the amendments and remarks of the present response be entered and made of record in the instant application. Claims 60-69 and 71-77, as amended, and new claims 78-89, fully meet all statutory requirements for patentability and, therefore, Applicant respectfully requests that the Examiner's rejections be withdrawn.

Applicant notes that the first page of the Office Action Summary indicates that claims 60 and 61 are rejected although no basis for this rejection is provided in the Detailed Action. Applicant respectfully requests clarification of this discrepancy. Applicant also respectfully requests that a copy of the List of References Cited, which was filed on October 7, 1999, be initialed by the Examiner and returned to Applicant's attorneys.

Applicant submits that the application is now in condition for allowance, early notice of which would be appreciated. Should the Examiner not agree with the Applicant's position, the Examiner is respectfully requested to telephone the undersigned.

Respectfully submitted,

PENNIE & EDMONDS LLP

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Adriane M. Antler 32,605
Adriane M. Antler (Reg. No.)

PENNIE & EDMONDS LLP
1155 Avenue of the Americas
New York, New York 10036
(212) 790-9090